

William P. Cole, Benjamin P. Black, Allen P. Gilbert, John C. Lemond, Thomas S. Parrish, J. Robert Gilbert, Horace V. Senter, and William J. Boone, a mutual association, doing business under the name and style of Medina Fruit Growers Assoc., Medina, Tenn., alleging shipment by said defendants, on or about July 9, 1921, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Illinois, of a quantity of tomatoes in baskets inclosed in crates, which were misbranded. The crates were unlabeled as to the quantity of the contents thereof.

Misbranding of the article was alleged in the information for the reason that it was an article of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 27, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$15 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10447. Adulteration and misbranding of olive oil. U. S. * * * v. Poletti, Coda & Rebecchi. Tried to the court upon an agreed statement of fact. Judgment of guilty. Fine, \$100. (F. & D. No. 15249. I. S. Nos. 6336-t, 6508-t, 6458-t, 6459-t, 6460-t, 6461-t, 6506-t, 6507-t, 6509-t, 6510-t, 6511-t, 6512-t, 6513-t.)

On December 5, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Poletti, Coda & Rebecchi, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on August 3, September 15 and 20, and October 2, 1920, respectively, from the State of New York into the State of New Jersey, and on September 11, 14, 19, 22, and 29 and October 7, 1920, respectively, from the State of New York into the State of Connecticut, of quantities of an article purporting to be olive oil, which in each shipment was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the various shipments of the product consisted of soya bean oil, soya bean and cottonseed oils, and oil or mixtures of oils other than olive oil, respectively. Examination showed that the cans containing the article were short measure.

Adulteration of the article was alleged in the information for the reason that a substance or substances, to wit, soya bean oil, or soya bean oil and cottonseed oil, or a mixture composed of oils other than olive oil, as the case might be, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio La Viva Italia," "Pure Olive Oil," and "Net Contents 1 Gallon" or "1 Quart" or " $\frac{1}{2}$ Gallon," as the case might be, together with the design and device of a Roman scene, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained 1 gallon net or 1 quart net or one-half gallon net of the article, as the case might be, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained 1 gallon net or 1 quart net or one-half gallon net of the article, as the case might be, whereas, in truth and in fact, said article was not olive oil but was a mixture composed in part of soya bean oil, or soya bean oil and cottonseed oil, or a mixture composed of oils other than olive oil, as the case might be; said article was not a foreign product, to wit, an olive oil produced in the Kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 gallon net or 1 quart net or one-half gallon net of the article, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the statements, designs, and devices on the cans containing it purported said article to be a foreign product when not so, and for the further reason that said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 30, 1922, the case having been submitted to the court upon an agreed statement of fact, without a jury, the defendant company was adjudged guilty by the court as charged in the information, and a fine of \$100 was imposed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10448. Adulteration of oysters. U. S. * * * v. Richard W. Claxton. Collateral of \$50 forfeited. (F. & D. No. 14995. I. S. Nos. 8713-t, 8818-t, 8819-t.)

On or about February 21, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Richard W. Claxton, Washington, D. C., alleging that on January 11 and 27, 1921, respectively, the said defendant did offer for sale and sell at the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On February 21, 1922, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10449. Adulteration of shell eggs. U. S. * * * v. Farmers Supply Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 13899. I. S. No. 447-t.)

On April 25, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Supply Co., a corporation, O'Brien, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 29, 1920, from the State of Texas into the State of Oklahoma, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination of a sample of the article, consisting of 360 eggs, by the Bureau of Chemistry of this department, showed the presence of 37 mixed or white rots and 2 blood rings, a total of 39, or 10.8 per cent, inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 27, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10450. Adulteration and misbranding of evaporated milk. U. S. * * * v. Kahoka Evaporated Milk Co., a Corporation. Plea of nolo contendere. Fine, \$150 and costs. (F. & D. No. 9896. I. S. Nos. 8004-p, 12135-p, 12137-p.)

On February 5, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kahoka Evaporated Milk Co., a corporation, Kahoka, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 14, April 1, and March 5, 1918, respectively, from the State of Missouri into the State of Iowa, of quantities of evaporated milk which was adulterated and a portion of which was adulterated and misbranded. The article was labeled in part: "Kahoka Brand Evaporated Milk * * * Kahoka Evaporated Milk Co."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was low in total solids and fat. Examination of the article by the said bureau showed that the product involved in the consignments